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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,879	03/30/2004	Bin Wei	129545-1	2878

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10/10/2008

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 10/10/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

Attachment

In the **Appeal Brief** of **July 11, 2008**, pages 2-24 bear the incorrect serial number as a header. Appropriate correction is **REQUIRED**.

Apparently, Applicants misunderstood some of the last communication, and that of **December 10, 2007**, excerpted below in-part (i.e., pages 6-7):

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Response to Arguments

Applicant's arguments filed **October 3, 2007** have been fully considered but they are not persuasive.

Applicants argue:

Independent Claims 1 and 13 specify, *inter alia*, a flushing and filtering system for an electroerosion machine comprising a first fluid return path comprising a high-pressure return path for introducing finely-filtered machining fluid through an electrode included in the electroerosion machine. Support for this feature can be found in at least Paragraph [0011] of the specification and Figures 1 and 2 of the drawings.

This is not found persuasive, especially in view of Applicants' Admissions that such a device is known in the art.

[0011] Referring now to FIG. 1, there is shown a schematic diagram of a flushing and filtering system 100 suitable for use for electroerosion machines, in accordance with an embodiment of the invention. As is shown, a work tank 102 contains workpiece 104 that is to be milled, shaped or otherwise machined by an electroerosion process. To this end, an electrode 106 is configured in close proximity to the workpiece 104 through a guide bush 108. As is known in the art, the electrode 106 has a machining liquid 110 continuously circulated at high pressure therethrough and introduced into a gap between the electrode 106 and the workpiece 104 for facilitating the machining operation.

From Applicants' Pre-Grant Publication

It is requested that Applicants identify the particular prior art being discussed in paragraph [0011] of their pre-grant publication. It is unclear why features that Applicants have admitted are known in the art have been argued to constitute patentably distinguishing features.

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Applicants have not challenged the Official Notice statements made by the examiner. Accordingly, those statements made by the examiner are now seen to constitute admitted prior art.

As for the applied art, structures 11 and 12 of Suzuki are seen to constitute electrodes.

Applicants additionally argue:

Further, there are significant system and operational differences between the electroerosion apparatus and process of the claimed invention and the prior art EDM apparatus and process. In the electroerosion apparatus and process, the electrode spins and feeds simultaneously, while the wire in the EDM process only travels linearly. Because of this difference, the electroerosion apparatus and process uses internal flushing through the front surface of the electrode to wrap the fluid around the machining zone, while the EDM process uses external flushing in the same direction of wire travel to remove chips outside the machining zone.

For at least this reason, a person of ordinary skill in the art having common sense at the time of the invention would not have reasonably considered passing filtered fluid through the electrode, as recited in the claimed invention.

This argument cannot be found persuasive when Applicants have already admitted that those skilled in the art have adapted "EDM-type filtration and flushing systems" to electroerosion machines:

[0004] At present, existing EDM-type filtration and flushing systems that are adopted for electroerosion machines do not have sufficient filtration systems associated therewith.

Again, it is requested that Applicants identify the particular prior art being discussed.

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Somehow, Applicants interpreted a request to identify prior art discussed in the originally filed specification, as a directive to conduct a search. No such directive was made. The request is made again.

Applicants' remarks in the **Brief of July 11, 2008** are noted:

However, the Examiner requested on *Page 6* of the final Office action that Appellant identify the particular prior art being discussed in Paragraph [0011]. Appellant is not sure of the reasons behind such a request. In any event, Appellant was able to quickly conduct a prior art search and found several examples of the STEM process in which machining liquid is circulated

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See 37 CFR 1.56.

Next, Applicants provide a rather interesting interpretation of paragraph [0004]:

On *Page 7* of the final Office action, the Examiner states that Appellant's arguments are not persuasive because Appellants have admitted that those skilled in the art have adapted EDM-type filtration and flushing systems to electroerosion machines. The Examiner cites Paragraph [0004] of the specification, which states:

"At present, existing EDM-type filtration and flushing systems that are adopted for electroerosion machines do not have sufficient filtration systems associated therewith."

It appears that the Examiner has misinterpreted Paragraph [0004] as an admission that those skilled in the art have previously successfully adapted EDM-type filtration and flushing systems to electroerosion machines. Appellant asserts that Paragraph [0004] states that existing EDM-type filtration and flushing system are not capable of being used in an electroerosion machine because the existing filtration system in an EDM machine is inadequate for use in an electroerosion machine. Being one skilled in the art, the Examiner should understand that machining fluid being filtered in the EDM-machine, such as coolant, is substantially

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Unfortunately, most reading paragraph [0004] would interpret the passage in the same manner that the examiner has interpreted it. Applicants' interpretation appears to conflate efficacy with efficiency, but in any event, does not present a fair and reasonable interpretation of the passage. Applicants are again requested to identify the specific prior art being discussed at paragraph [0004]. To avoid any confusion here, this should not be construed as a directive to conduct a search, but rather, as a request to reveal the specific prior art wherein ***"existing EDN-type filtration and flushing systems that are adopted [believed to be -adapted-] for electroerosion machines."*** That is to say, the prior art

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that Applicants were aware of when the statement was made and the application was drafted should be disclosed.

Information Disclosure Statement

The information disclosure statement filed on **July 11, 2008** does not fully comply with the requirements of 37 CFR 1.97-1.98 because: no lists, statements, fees, etc. were provided. Since the submission appears to be *bona fide*, applicant is given **ONE (1) MONTH** from the date of this notice to supply the above mentioned omissions or corrections in the information disclosure statement. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b). Failure to timely comply with this notice will result in the above mentioned information disclosure statement being placed in the application file with the noncomplying information **not** being considered.

**/Robert James Popovics/
Primary Examiner
Art Unit 1797**